

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THEODORE J. FOLKMAN,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

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Civil Action No.: 1:13-cv-10614

ANSWER

Defendant United States Department of State (“the Department”) answers the Complaint as follows:

1. This paragraph contains Plaintiff’s characterization of his action, to which no answer is required, but insofar as one is deemed required, denied.

2. The first sentence of this paragraph contains Plaintiff’s characterization of his action, to which no answer is required, but insofar as one is deemed required, denied. The Department lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of this paragraph.

3. The Department lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph. The remaining sentences of this paragraph contain conclusions of law, to which no answer is required, but insofar as one is deemed required, denied.

4-7. The Department lacks knowledge or information sufficient to form a belief as to the truth of the allegations in these paragraphs.

8. Admitted.

9. The first sentence is admitted. With regard to the second sentence, the Department admits that it has interacted several times with Plaintiff but has not to date produced any records responsive to Plaintiff's FOIA request, demonstrated that responsive records are exempt from disclosure requirements, notified Plaintiff of any determination regarding his FOIA request, or provided Plaintiff with a written notice under 5 U.S.C. § 552(a)(6)(B) extending the time for its response and providing a date on which a determination is expected to be made. All other allegations in this sentence are denied. The third sentence contains conclusions of law, to which no answer is required, but insofar as one is deemed required, denied.

10. This paragraph contains conclusions of law, to which no answer is required, but insofar as one is deemed required, denied.

The remaining paragraph sets forth Plaintiff's prayer for relief to which no answer is required, but insofar as an answer is deemed required, the Department denies that Plaintiff is entitled to the relief requested or to any relief.

The Department hereby denies all allegations in the Complaint not expressly answered or qualified herein.

FIRST DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The FOIA request that is the subject of this action may implicate information that is protected from disclosure by one or more statutory exemptions. Disclosure of such information is not required or permitted.

Accordingly, the Department respectfully requests that the Court enter judgment dismissing the Complaint with prejudice, and awarding the Department its costs and attorney's fees and other such relief as the Court deems just and proper.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

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